

**REMARKS/ARGUMENTS**

By this Amendment, claim 34 is canceled, claims 35-39, 43-45, 47 and 49-54 are amended, and claims 55 - 57 are added. Claims 35-57 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner sets forth that the Applicants' arguments with respect to claims 34-54 have been considered but that the Examiner believes they are moot in view of the new grounds of rejection. The Examiner further sets forth that claims 34-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herington (U.S. Pub. No. 2005/0102387 A1 in view of Sankaranarayan et al.(hereinafter 'Sankaranarayan')(U.S. Patent No. 6,799,20 B1).

According to the Examiner Herington does not teach reassigning the number of nodes by reassigning computer resources, but the Examiner believes that Sankaranarayan teaches this feature.

Furthermore, the Examiner believes that it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Herington to include a resource manger allocating a resource provider depending on a current request from client as the Examiner believes is taught by Sankaranarayan. The Examiner believes that this would efficiently allocate the intersecting nodes (242-248 in figure 2) to one of the applications (255 or 260) based on the current request from clients. The Examiner further believes that it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Herington to specify a number of server nodes requested, a duration in which the number of server nodes requested will be needed, and a dollar value associated with the request as the configurations taught by Sankaranarayan.

The Applicants' invention is an improved distributed data processing system supporting

transaction and parallel services across multiple domains wherein dynamic allocation of computing resources is facilitated. The computing resources are allocated based upon current and predicted workloads as well as upon threshold requirements set forth in service level agreements.

In the Applicants' invention a determination is made whether the current or predicted load of a first domain can be handled in compliance with the relevant service level agreements using a current system configuration. If the threshold requirements of the service level agreements cannot be met with a current system configuration, additional computing resources are requested from a second domain. For example, one or more nodes of a second domain can be requested by the first domain and assigned to the first domain for a calculated time duration if needed. The assigned nodes can be released by the first domain at the end of the time duration. Furthermore, nodes can be released by the first domain as the first domain determines they are not needed to meet the threshold requirements of the service level agreements under current or predicted load conditions.

Increasing or decreasing the number of nodes that are executing a workload immediately alters the utilization or throughput per node. For example, going from one node to two decreases the throughput per node by a factor of one-half. Accordingly the threshold requirement can be adjusted when the number of nodes is increased or decreased in order to prevent possible oscillation in the number of assigned nodes. Additionally, the threshold can be adjusted according to a time parameter in order to further minimize the risk of oscillation. See Paragraphs [0044] – [0051] of U.S. Patent Publication 2005/0165925, entitled “System and method for supporting Transaction and Parallel Service across Multiple Domains Based on Service Level Agreements” (the ‘925 Application).

Furthermore, the second domain can reclaim the assigned nodes before the expiration of the time duration if, for example, it determines that it cannot meet the performance requirements of its own service level agreements for a surge in its own workload. See Paragraph [0090] of the

‘925 Application.

Therefore, new claim 55 sets forth:

A method for supporting an application workload using a resource at a remote location, the method comprising:  
    assigning a subset of a plurality of server nodes to execute the application workload;  
    executing the application workload on the assigned server nodes;  
    monitoring execution of the application workload to determine whether a threshold of a performance requirement of a service level agreement specifying performance requirements for execution of the application workload is met;  
    responsive to a determination that the threshold is not being met sending a request for at least one server node at the remote location wherein the request specifies a number of nodes requested, a time duration for which the requested nodes are needed, and a dollar value associated with the request; and  
    a     adjusting the threshold to provide an adjusted threshold for a further threshold determination whether the adjusted threshold is met in order to prevent oscillation between increasing and decreasing the number of server nodes.

Thus, the Applicants’ new claim 55 recites adjusting the threshold to provide an adjusted threshold for further determining whether the adjusted threshold is met in order to prevent oscillation between increasing and decreasing the number of server nodes. Neither Herington, Sankaranarayan nor Romero, cited by the Examiner, teaches this required feature of the Applicants’ claimed invention. It follows that none of the references teach such an adjustment of the threshold according to a time parameter.

Additionally, none of the references cited by the Examiner teaches the remote location reclaiming a server node that was assigned to the execution of the first application workload for an assigned time duration, in response to the request from the first domain, prior to the end of the assigned time duration, according to a performance requirement of the remote location.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.

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Please charge or credit our  
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